

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-44 are presently pending. Claims 1, 15, 16, 21-22, 24-27, 33, and 39 are amended. No claims are withdrawn or canceled and no claims are added.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on June 16, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the Application differed from the cited art, namely U.S. Patent No. 6,784,901 ("Harvey") and U.S. Patent No. 7,131,003 ("Lord"). Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed some possible clarifying amendments.

[0006] The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments may distinguish over the cited art of record. For example, the Examiner indicated that a subscription to premium bubble message edit settings that are used to create personalized graphical messages may distinguish over the cited art. However, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 15, 16, 21, 22, 24-27, 33, and 39. The amendments to the claims are fully supported by the Application and therefore do not constitute new matter. (See [0109]-[0111], [0113], [0124]-[0125], and [0129] of the Application).

Formal Matters

Title

[0011] The Action objects to the title on the grounds that the title is not descriptive. Applicant amends the title, as shown above, to correct the informalities noted on page 3, paragraph 4 of the Action.

Drawings

[0012] The Action objects to Fig. 5, Fig. 6, and Fig. 10 on the grounds that these figures are severely faded and therefore fail to clearly show their intended representations. Applicant submits replacement drawings with this response to correct the informalities noted on page 2, paragraph 3 of the Action.

Substantive Matters

Claim Rejections under §101

[0013] Claims 39-44 are rejected under 35 U.S.C. §101. In light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. The Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0014] If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

Anticipation Rejections

[0015] Applicant respectfully requests that the Examiner withdraw the anticipation rejections because, for each rejected claim, no single reference discloses each and every feature of that rejected claim.¹

Based upon Harvey

[0016] The Action rejects claims 1-9, 11-14, 16, 20-23, 27-29, and 33-35 under 35 U.S.C. § 102(e) as being anticipated by Harvey. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0017] Applicant submits that the cited portions of Harvey do not anticipate claim 1 because the cited portions of Harvey do not show or disclose the following features as recited in claim 1:

- “determining whether a user of a message editor is associated with a subscription to premium message edit settings”

¹ “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

- “retrieving one or more particular premium message edit settings when the user is associated with a subscription to the premium message edit settings”

In contrast to claim 1, the cited portions of Harvey disclose a chat message that is displayed with a particular texture, font, color, and point size. (See Harvey, col. 16, lines 17-22). As discussed during the interview of June 16, 2008, the cited portions of Harvey do not disclose or show, “determining whether a user of a message editor is associated with a subscription to premium message edit settings” and “retrieving one or more particular premium message edit setting when the user is associated with a subscription to the premium message edit settings,” as in claim 1. Accordingly, claim 1 is allowable because the cited art does not disclose or show each feature of independent claim 1 and Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-9, 11-14, 16, and 20

[0018] Dependent claims 2-9, 11-14, 16, and 20 ultimately depend upon independent claim 1. As discussed above, the cited portions of Harvey do not disclose or show all of the features of claim 1. Thus, the cited portions of Harvey do not disclose or show all of the features of claims 2-9, 11-14, 16, and 20. Accordingly, at least for these reasons, claims 2-9, 11-14, 16, and 20 are allowable at least by virtue of their dependency from claim 1 and Applicant asks the Examiner to withdraw the rejections of these claims.

[0019] Additionally, Applicant submits that at least some of the dependent claims include features that are not disclosed or shown in the cited art. For example, claim 16 recites, “wherein selecting a number of message edit settings in a constrained random manner includes utilizing an aesthetically determined constraint.” With respect to claim 16, the Action states:

“24. With respect to claim 16, Harvey discloses the computerized method of claim 1, wherein creating the personalized graphical message comprises determining at least one constrained-random setting, at least one constraint associated with said at least one constrained-random setting comprising an aesthetically determined constraint (column 7, lines 59-67).”

In contrast to claim 16, column 7, lines 59-67 of Harvey disclose:

“However, at any time no two chat message wads **1106** overlap. This is due to the fact that message objects in the chat message wads **1106** occupy different rows in local chat area **1107**. The present invention also allows the user to recreate the flow of the conversation at any time by following the message objects on the screen from the oldest message (at the top of local chat area **1107**) to the newest message (at the bottom of local chat area **1107**).”

The cited portions of Harvey do not disclose or show selecting a number of message edit settings in a constrained random manner utilizing an aesthetically determined constraint, as in claim 16. Hence, for these additional reasons, claim 16 is allowable.

Independent Claim 21

[0020] Applicant submits that the cited portions of Harvey do not anticipate claim 21 because the cited portions of Harvey do not show or disclose the following features as recited in claim 21:

- “receiving selections of a number of the new bubble message notifications above a specified threshold”
- “providing a new bubble message chooser display after receiving the selections, the new bubble message chooser display including details corresponding to the number of new bubble message notifications”
- “adding one or more of the number of new bubble message notifications in the new bubble message chooser display to a bubble message display list in response to user interaction with the one or more new bubble message notifications in the new bubble message chooser”

In contrast to claim 21, the cited portions of Harvey disclose a chat display that tracks a list of chat messages. (*See Harvey*, col. 6, lines 43-49). Harvey does not disclose or show providing a new bubble message chooser display after receiving selections of a number of new bubble message notifications above a

specified threshold, where the new bubble message chooser display includes details corresponding to the selected number of new bubble message notifications, as in claim 21. Additionally, the cited portions of Harvey do not disclose or show adding one or more of the number of new bubble message notifications in the new bubble message chooser display to a bubble message display list in response to user interaction with the one or more new bubble message notifications, as in claim 21. Accordingly, claim 21 is allowable because the cited art does not disclose or show each feature of independent claim 21 and Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 22-23

[0021] Dependent claims 22-23 ultimately depend upon independent claim 21. As discussed above, the cited portions of Harvey do not disclose or show all of the features of claim 21. Thus, the cited portions of Harvey do not disclose or show all of the features of claims 22-23. Accordingly, at least for these reasons, claims 22-23 are allowable at least by virtue of their dependency from claim 21 and Applicant asks the Examiner to withdraw the rejections of these claims.

Independent Claim 27

[0022] Applicant submits that the cited portions of Harvey do not anticipate claim 27 because the cited portions of Harvey do not show or disclose the following features as recited in claim 27:

- “receive a selection of a message edit action”
- “determine that the message edit action is locked”
- “provide an indication that the message edit action is locked”
- “receive input related to unlocking the message edit action”
- “create a personalized message utilizing the message edit action after the message edit action is unlocked”

In contrast to claim 27, the cited portions of Harvey disclose a chat message that is displayed with a particular texture, font, color, and point size. (*See* Harvey, col. 16, lines 17-22). The cited portions of Harvey do not disclose or show receiving a selection of a message edit action, determining that the message edit action is locked, providing an indication that the message edit action is locked, receiving input related to unlocking the message edit action, and creating a personalized message utilizing the message edit action after the message edit action is unlocked, as in claim 27. Accordingly, claim 27 is allowable because the

cited art does not disclose or show each feature of independent claim 27 and Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 28-29

[0023] Dependent claims 28-29 ultimately depend upon independent claim 27. As discussed above, the cited portions of Harvey do not disclose or show all of the features of claim 27. Thus, the cited portions of Harvey do not disclose or show all of the features of claims 28-29. Accordingly, at least for these reasons, claims 28-29 are allowable at least by virtue of their dependency from claim 27 and Applicant asks the Examiner to withdraw the rejections of these claims.

Independent Claim 33

[0024] Applicant submits that the cited portions of Harvey do not anticipate claim 33 because the cited portions of Harvey do not show or disclose the following features as recited in claim 33:

- “display a bubble message close animation that is related to the bubble message open animation”

In contrast to claim 33, the cited portions of Harvey disclose a 3D animation or message transition from a sender avatar to a local chat area when a message is

sent. (*See* Harvey, col. 8, lines 1-3). The cited portions of Harvey do not disclose or show displaying a bubble message close animation that is related to the bubble message open animation, as in claim 33. Accordingly, claim 33 is allowable because the cited art does not disclose or show each feature of independent claim 33 and Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 34-35

[0025] Dependent claims 34-35 ultimately depend upon independent claim 33. As discussed above, the cited portions of Harvey do not disclose or show all of the features of claim 33. Thus, the cited portions of Harvey do not disclose or show all of the features of claims 34-35. Accordingly, at least for these reasons, claims 34-35 are allowable at least by virtue of their dependency from claim 33 and Applicant asks the Examiner to withdraw the rejections of these claims.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0001] The arguments presented below point to various aspects of the record to demonstrate that all of the criteria set forth for making a *prima facie* case of obviousness with respect to claims 10, 15, 17-19, 24-26, 30-32, and 36-44 have not been met. For example, Applicant respectfully submits that the cited art does not teach or suggest all of the features of claims 10, 15, 17-19, 24-26, 30-32, and 36-44.

Based upon Harvey and Dodd

[0002] The Action rejects claims 10 under 35 U.S.C. § 103(a) as being unpatentable over Harvey in view of U.S. Patent No. 6,321,211 ("Dodd"). Applicant respectfully traverses the rejection of this claim and asks the Examiner to withdraw the rejection of this claim.

Dependent Claim 10

[0003] Claim 10 depends from claim 1, which Applicant has shown to be allowable over the cited portions of Harvey. As explained previously, the cited portions of Harvey do not teach or suggest, "determining whether a user of a message editor is associated with a subscription to premium message edit settings" and "retrieving one or more particular premium message edit setting

when the user is associated with a subscription to the premium message edit settings,” as in claim 1.

[0004] With respect to Dodd, page 13, paragraph 37 of the Action states:

“37. With respect to claim 10, Harvey discloses the computerized method of claim 1, however fails to disclose visually unwrapping. Dodd discloses the method wherein: displaying the notification (column 4, line 63-67) of the personalized graphical message comprises displaying a wrapped gift (column 5, lines 44-46; Figure 2B shows the “wrapped gift” as the icon element 142); and the graphical message open animation comprises virtually unwrapping the wrapped gift (column 5, lines 53-63; Figure 2E where the “unwrapping” is disclosed upon the recipient positioning the mouse cursor over the present icon and revealing the present)...”

However, the cited portions of Dodd do not teach or suggest determining whether a user of a message editor is associated with a subscription to premium message edit settings and retrieving one or more particular premium message edit setting when the user is associated with a subscription to the premium message edit settings, as in claim 1.

[0005] Since the cited art does not teach or suggest each feature of independent claim 1, the cited art also does not teach or suggest each feature of claim 10. Accordingly, at least for these reasons, claim 10 is allowable at least by virtue of its dependency from claim 1 and Applicant asks the Examiner to withdraw the rejection of this claim.

Based upon Harvey and Lord

[0006] The Action rejects claims 15 and 39-41 under 35 U.S.C. § 103(a) as being unpatentable over Harvey in view of U.S. Patent No. 7,131,003 ("Lord"). Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Dependent Claim 15

[0007] Claim 15 depends from claim 1, which Applicant has shown to be allowable over the cited portions of Harvey. As explained previously, the cited portions of Harvey do not teach or suggest, "determining whether a user of a message editor is associated with a subscription to premium message edit settings" and "retrieving one or more particular premium message edit setting when the user is associated with a subscription to the premium message edit settings," as in claim 1.

[0008] With respect to Lord, page 14, paragraph 39 of the Action states:

"39. With respect to claim 15, Harvey discloses the computerized method of claim 1, however fails to disclose retrieving one premium setting. Lord discloses the method wherein creating the personalized graphical message comprises retrieving at least one premium setting (column 8, lines 20-34; column 8, lines 9-14; column 10, lines 1-4)..."

In contrast to claim 1, the cited portions of Lord teach subscribing to a secure instant messaging service. (*See* Lord, col. 8, lines 20-34). The cited portions of Lord do not teach or suggest “determining whether a user of a message editor is associated with a subscription to premium message edit settings” and “retrieving one or more particular premium message edit setting when the user is associated with a subscription to the premium message edit settings,” as in claim 1.

[0009] Since the cited art does not teach or suggest each feature of independent claim 1, the cited art also does not teach or suggest each feature of claim 15. Accordingly, at least for these reasons, claim 15 is allowable at least by virtue of its dependency from claim 1 and Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 39

[0010] Applicant submits that the cited portions of Harvey and the cited portions of Lord do not disclose or suggest the following feature as recited in claim 39:

- “displaying a bubble message close animation in response to user interaction with a bubble message view close action”

As explained previously, the cited portions of Harvey do not teach or suggest displaying a bubble message close animation in response to user interaction with a bubble message view close action, as in claim 39.

[0011] With respect to Lord, page 15, paragraph 40 of the Action states:

“However, Harvey fails to disclose the version data. Lord discloses the version data (column 14, lines 24-26).”

However, the cited portions of Lord do not teach or suggest “displaying a bubble message close animation in response to user interaction with a bubble message view close action,” as in claim 39. Accordingly, claim 39 is allowable because the cited art does not teach or suggest each feature of independent claim 39 and Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 40-41

[0012] Dependent claims 40-41 ultimately depend upon independent claim 39. As discussed above, the cited portions of Harvey and the cited portions of Lord do not teach or suggest all of the features of claim 39. Thus, the cited portions of Harvey and the cited portions of Lord do not teach or suggest all of the features of claims 40-41. Accordingly, at least for these reasons, claims 40-41 are allowable at least by virtue of their dependency from claim 39 and Applicant asks the Examiner to withdraw the rejections of these claims.

Based upon Harvey and Azuma

[0013] The Action rejects claims 17-19, 24-26, 30-32, and 36-38 under 35 U.S.C. § 103(a) as being unpatentable over Harvey in view of U.S. Patent Application Publication No. 2002/0032861 ("Azuma"). Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejections of these claims.

Dependent Claims 17-19

[0014] Claims 17-19 depend from claim 1, which Applicant has shown to be allowable over the cited portions of Harvey. As explained previously, the cited portions of Harvey do not teach or suggest "determining whether a user of a message editor is associated with a subscription to premium message edit settings" and "retrieving one or more particular premium message edit setting when the user is associated with a subscription to the premium message edit settings," as in claim 1.

[0015] With respect to Azuma, page 16, paragraphs 44 and 45 of the Action state:

"44. With respect to claim 17, Harvey discloses the computerized method of claim 1, however fails to disclose an unmodifiable message. Azuma discloses the method wherein the personalized graphical message is unmodifiable after creation (paragraph [0026],

whereby the unmodifiable message is described by the, “electronic mail is read only”)...”

“45. With respect to claim 18, Harvey discloses the computerized method of claim 1, however fails to disclose a feature policy. Azuma discloses the method wherein displaying the personalized graphical message comprises verifying that the personalized graphical message complies with at least one bubble message feature policy (paragraph [0080])...”

In contrast to claim 1, the cited portions of Azuma disclose encrypted email that is read only and that only users registered in advance can use a service of transmitting and receiving electronic mail to and from the Internet. (See Azuma, paragraphs [0026] and [0080]). The cited portions of Azuma do not teach or suggest “determining whether a user of a message editor is associated with a subscription to premium message edit settings” and “retrieving one or more particular premium message edit setting when the user is associated with a subscription to the premium message edit settings,” as in claim 1.

[0016] Since the cited art does not teach or suggest each feature of independent claim 1, the cited art also does not teach or suggest each feature of claims 17-19. Accordingly, at least for these reasons, claims 17-19 are allowable at least by virtue of their dependency from claim 1 and Applicant asks the Examiner to withdraw the rejections of these claims.

Dependent Claims 24-26

Claims 24-26 depend from claim 21, which Applicant has shown to be allowable over the cited portions of Harvey. As explained previously, the cited portions of Harvey do not teach or suggest providing a new bubble message chooser display after receiving selections of a number of new bubble message notifications above a specified threshold, where the new bubble message chooser display includes details corresponding to the selected number of new bubble message notifications, as in claim 21. Further, as explained previously, the cited portions of Harvey do not teach or suggest adding one or more of the number of new bubble message notifications in the new bubble message chooser display to a bubble message display list in response to user interaction with the one or more new bubble message notifications, as in claim 21.

[0017] With respect to Azuma, pages 17-18, paragraphs 47-48 of the Action state:

“47. With respect to claim 24, Harvey discloses the computerized method of claim 21, however fails to disclose an unmodifiable message. Azuma discloses the method wherein the personalized graphical message is unmodifiable after creation (paragraph [0026], whereby the unmodifiable message is described by the, “electronic mail is read only”).”

"48. With respect to claim 25, Harvey discloses the computerized method of claim 21, however fails to disclose a feature policy. Azuma discloses the method wherein displaying the personalized graphical message comprises verifying that the personalized graphical message complies with at least one bubble message feature policy (paragraph [0080])..."

However, the cited portions of Azuma do not teach or suggest providing a new bubble message chooser display after receiving selections of a number of new bubble message notifications above a specified threshold, where the new bubble message chooser display includes details corresponding to the selected number of new bubble message notifications, as in claim 21. Further, the cited portions of Azuma do not teach or suggest adding one or more of the number of new bubble message notifications in the new bubble message chooser display to a bubble message display list in response to user interaction with the one or more new bubble message notifications, as in claim 21.

[0018] Since the cited art does not teach or suggest each feature of independent claim 21, the cited art also does not teach or suggest each feature of claims 24-26. Accordingly, at least for these reasons, claims 24-26 are allowable at least by virtue of their dependency from claim 21 and Applicant asks the Examiner to withdraw the rejections of these claims.

Dependent Claims 30-32

[0019] Claims 30-32 depend from claim 27, which Applicant has shown to be allowable over the cited portions of Harvey. As explained previously, the cited portions of Harvey do not teach or suggest receiving a selection of a message edit action, determining that the message edit action is locked, providing an indication that the message edit action is locked, receiving input related to unlocking the message edit action, and creating a personalized message utilizing the message edit action after the message edit action is unlocked, as in claim 27.

[0020] With respect to Azuma, page 19, paragraphs 50-51 of the Action state:

"50. With respect to claim 30, Harvey discloses the computerized method of claim 27, however fails to disclose an unmodifiable message. Azuma discloses the method wherein the personalized graphical message is unmodifiable after creation (paragraph [0026], whereby the unmodifiable message is described by the, "electronic mail is read only")."

"51. With respect to claim 31, Harvey discloses the computerized method of claim 27, however fails to disclose a feature policy. Azuma discloses the method wherein displaying the personalized graphical message comprises verifying that the personalized graphical message complies with at least one bubble message feature policy (paragraph [0080])..."

However, the cited portions of Azuma do not teach or suggest receiving a selection of a message edit action, determining that the message edit action is locked, providing an indication that the message edit action is locked, receiving input related to unlocking the message edit action, and creating a personalized message utilizing the message edit action after the message edit action is unlocked, as in claim 27.

[0021] Since the cited art does not teach or suggest each feature of independent claim 27, the cited art also does not teach or suggest each feature of claims 30-32. Accordingly, at least for these reasons, claims 30-32 are allowable at least by virtue of their dependency from claim 27 and Applicant asks the Examiner to withdraw the rejections of these claims.

Dependent Claims 36-38

[0022] Claims 36-38 depend from claim 33, which Applicant has shown to be allowable over the cited portions of Harvey. As explained previously, the cited portions of Harvey do not teach or suggest displaying a bubble message close animation that is related to the bubble message open animation, as in claim 33.

[0023] With respect to Azuma, pages 20-21, paragraphs 53-54 of the Action state:

"53. With respect to claim 36, Harvey discloses the computerized method of claim 33, however fails to disclose an unmodifiable message. Azuma discloses the method wherein the personalized

graphical message is unmodifiable after creation (paragraph [0026], whereby the unmodifiable message is described by the, "electronic mail is read only")."

"54. With respect to claim 37, Harvey discloses the computerized method of claim 33, however fails to disclose a feature policy. Azuma discloses the method wherein displaying the personalized graphical message comprises verifying that the personalized graphical message complies with at least one bubble message feature policy (paragraph [0080])..."

However, the cited portions of Azuma do not teach or suggest displaying a bubble message close animation that is related to the bubble message open animation, as in claim 33.

[0024] Since the cited art does not teach or suggest each feature of independent claim 33, the cited art also does not teach or suggest each feature of claims 36-38. Accordingly, at least for these reasons, claims 36-38 are allowable at least by virtue of their dependency from claim 33 and Applicant asks the Examiner to withdraw the rejections of these claims.

Based upon Harvey, Lord, and Azuma

[0025] The Action rejects claims 42-44 under 35 U.S.C. § 103(a) as being unpatentable over Harvey in view of Lord, in further view of Azuma. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejections of these claims.

Dependent Claims 42-44

[0026] Claims 42-44 depend from claim 39, which Applicant has shown to be allowable over the cited portions of Harvey and the cited portions of Lord. As explained previously, the cited portions of Harvey and the cited portions of Lord do not teach or suggest “displaying a bubble message close animation in response to user interaction with a bubble message view close action,” as in claim 39. Additionally, as explained previously, the cited portions of Azuma do not teach or suggest “displaying a bubble message close animation in response to user interaction with a bubble message view close action,” as in claim 39.

[0027] Since the cited art does not teach or suggest each feature of independent claim 39, the cited art also does not teach or suggest each feature of claims 42-44. Accordingly, at least for these reasons, claims 42-44 are allowable at least by virtue of their dependency from claim 39 and Applicant asks the Examiner to withdraw the rejections of these claims.

Conclusion

[0028] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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